



NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC SEEKS COMMENT ON SERVICE RULES FOR THE 2155-2175 MHz ADVANCED WIRELESS SERVICES BAND

WASHINGTON, D.C. – In a Notice of Proposed Rule Making (Notice) released today, the Federal Communications Commission (FCC) seeks comment on proposed service rules for the 2155-2175 MHz band, which has been allocated for fixed and mobile services, including Advanced Wireless Services (AWS). The FCC's objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services.

The 2155-2175 MHz band is currently occupied by over 1,800 active, incumbent Fixed Service (FS) and Broadband Radio Service (BRS) licenses, which are subject to relocation by AWS entrants. This spectrum consists of a single, unpaired, 20-megahertz block, rather than two, separate paired blocks. Therefore, a symmetrical pairing approach – in which one block is used for base station transmissions and another, equally-sized block is used for mobile handset transmissions – cannot be adopted in the rules for this spectrum. The FCC, as a result, seeks comment on several different technological approaches to use in the 2155-2175 MHz band in light of this characteristic of the spectrum.

The FCC requests comment on ways to address interference concerns if both mobile and base transmissions are to be allowed in the band, including the use of power limits and out-of-band emissions requirements. The FCC also asks for input on any other technological approaches that could be employed in this band.

In addition, today's Notice seeks comment on whether to auction the spectrum, authorize unlicensed use of the spectrum, or adopt some other alternative licensing approach. Depending on the approach ultimately adopted, the Commission also seeks comment on licensing and operational rules for this spectrum, including the appropriate block size and geographic area size to be used for licensing the spectrum, whether to license the spectrum under the FCC's flexible, market-oriented Part 27 rules, and whether to auction the licenses in a simplified subset of alternative band plans. The FCC also sought comment on the following actions:

- Permitting any use of the spectrum that is consistent with the band's fixed and mobile allocations.

- Requiring any Commercial Mobile Radio Services offered in the band to comply with 911/E911 and hearing aid compatibility requirements.
- Imposing no spectrum aggregation limit or eligibility restrictions in the band.
- Assigning the licenses by competitive bidding under the FCC's Part 1 auction rules, if the FCC establishes a licensing regime that requires the use of competitive bidding to resolve mutually exclusive applications, or assigning the spectrum using an alternative mechanism.
- Placing a limit on the height-above-average-terrain of base or fixed station antennas operating in the band.
- Requiring new AWS licensees to coordinate with incumbent FS licensees before initiating operations.

Finally, today's Notice asks for comment on the various proposals submitted by the seven parties that previously filed applications to operate in this band and whose applications were dismissed without prejudice on August 31, 2007. The FCC seeks input on the specific conditions proposed by these parties, such as the provision of broadband service at particular data rates, specific build-out requirements, and specific pricing plans to be offered.

Action by the Commission on September 7, 2007, by Notice of Proposed Rule Making (FCC 07-164). Chairman Martin and Commissioner Copps, Adelstein, Tate, and McDowell. Separate statements issued by Chairman Martin and Commissioners Copps, Adelstein, and Tate.

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WT Docket No. 07-195.

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